

REMARKS

The present Amendment and accompanying Request for Continued Examination (RCE) are in response to the Advisory Action mailed from the U.S. Patent and Trademark Office on September 3, 2002 and the final Office Action mailed from the U.S. Patent and Trademark Office on May 22, 2002. The Applicants previously filed an Amendment After Final on August 8, 2002. In the Advisory Action mailed from the U.S. Patent and Trademark Office on September 3, 2002, however, the Examiner denied entry of the Amendment After Final. That Amendment After Final is therefore withdrawn. Thus, prior to this amendment, the claims stand as amended on May 6, 2002.

In the final Office Action mailed from the U.S. Patent and Trademark Office on May 22, 2002, Claims 1-21 were rejected under 35 U.S.C. § 102(e) based on U.S. Patent No. 6,363,495 to MacKenzie et al. In response, certain claims are amended and new Claims 22-32 are added to more distinctly claim the invention.

Reconsideration of the rejections of Claims 1-21 under 35 U.S.C. §102(e) and entry of new claims 22-32 are respectfully requested.

Claim Amendments

In the present Amendment, Claim 15 is amended to correct a typographical error. In addition, new Claims 22-28 are being added to the application to more distinctly claim the invention. Support can be found in the Specification, including, for example, at page 3, line 25 to page 4, line 5 and page 6, lines 4-25. Thus, no new matter is being introduced.

Information Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

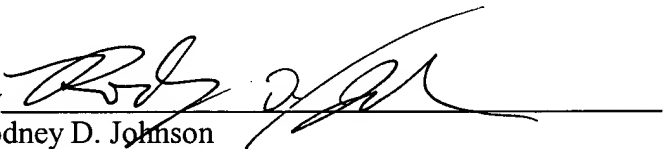
CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in conditions for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney at (978) 341-0036.

Respectfully submitted,

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MARKED UP VERSION OF AMENDMENTS

Claim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

15. (Amended) The computer program product of Claim 14 further comprises program code that:  
ceases operation of the network cluster if no node has access to the sharea[g]ble  
storage device.